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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,109	04/14/2004	Dan Pellerin	060744.00034	7547
27305 7550 01/29/2009 HOWARD & HOWARD ATTORNEYS PLLC 450 West Fourth Street Royal Oak, MI 48067				
EXAMINER COZART, JERMIE E				
ART UNIT		PAPER NUMBER		
3726				
MAIL DATE		DELIVERY MODE		
01/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,109

Applicant(s)

PELLERIN ET AL.

Examiner

Jermie E. Cozart

Art Unit

3726

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23, 25, 26, 28-30, 33-37, 39, 40, 42, 44-47, 50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-23, 25, 26, 28-30, 33-37, 39, 40, 42, 44-47, 50, and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Interference

1. The request for interference filed 4/4/04 and 6/23/05 is acknowledged. However, examination of this application has not been completed as required by 37 CFR 41.102(a). Consideration of a potential interference is premature. See MPEP § 2303.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 17-23, 25, 26, 28-30, 33-37, 39, 40, 42, 44-47, 50 and 51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims include subject matter that was not part of the original disclosure.

In claims 17, 33, 44 and 50, there is no support for the following limitations in the original disclosure:

(A) "moving the valve stem relative to the rim along a programmable path of travel during the coaxially aligning step and along the aligned axes to insert the valve stem through the aperture, the path of travel defined with a programmable robotic manipulator having an arm capable of compound, multi-axial movement and having a plurality of programmed paths corresponding to a plurality of different size wheel rim

and valve stem combinations to be assembled." The specification fails to mention any programming or programmed movement being performed with respect to the above limitations.

In **claim 28**, there is no support for the following limitations in the original disclosure:

(A) "moving along the path of travel in response to computer-controlled signals".

There is no support in the original specification for any programming of a programmable path of travel in the original disclosure, therefore there is no support for moving along the path of travel in response to computer-controlled signals.

Response to Arguments

4. Applicant's arguments filed 10/23/08 with respect to the specification have been fully considered but they are not persuasive.

Applicant argues that it is clear that each of the images stored in memory and associated with structural characteristics and physical dimensions of a corresponding wheel (14) is programmed in the controller (28).

In response, the Examiner maintains that the specification fails to teach a plurality of programmed paths corresponding to a plurality of different size wheel and valve stem combinations to be assembled. The Examiner acknowledges that a computer may be programmed, however, no where in the specification either explicitly or implicitly does the specification state or imply that the robotic manipulator has a plurality of programmed paths. Applicant has failed to identify explicitly the portion of the specification which clearly corresponds to a plurality of programmed paths that

robotic manipulator travels along. The Examiner acknowledges that the apparatus moves along path, and that path appears to be merely a straight path due to the coaxial alignment of the aperture and valve stem. The specification does not indicate that the robotic manipulator is controlled or programmed to move in a programmable path or for that matter a plurality of programmed paths corresponding to a plurality of different size wheel rim and valve stem combinations. "The light receiver (110a) receives light from the light emitter (108a) through the valve stem aperture (118)." The controller (28) slows the assembly (90a), however, the controller does plot a programmable path of travel, the path of travel is based on the alignment of the apertures and coordination of the emitter and receiver. The path of travel is not based on a plurality of programmed paths, in other words, there is no disclosure of a series of steps or paths that the robotic manipulator must be programmed to make in order to insert the valve stem into the aperture.

Applicant argues that predetermined angular velocity must be controlled by a computer in order to move through a path, and that all of the above would be recognized by one of ordinary skill in the art at a programmable logic manipulator and where programming is hereunto disclosed, thereby rendering the Examiner's rejections of claims 17, 28, 34, 44, and 50 moot.

In response, the Examiner maintains that Applicant failed to disclose where in the specification, it is disclosed that the robotic manipulator is "moving along the path of travel in response to computer-controlled signals". Applicant refers states that angular velocity must be controlled by a computer in order to move through a path, however, the

specification does not make this statement nor is Applicant's position supported by a portion of the specification because Applicant has not pointed to any portion of the specification in support of his argument.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie E. Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3726

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jermie E Cozart/
Primary Examiner, Art Unit 3726

January 26, 2009